

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>JOHN ANTHONY GENTRY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 3:17-cv-00020</b>
<b>v.</b>	)	
	)	<b>Judge Trauger/Magistrate Judge Holmes</b>
<b>THE TENNESSEE BOARD OF</b>	)	
<b>JUDICIAL CONDUCT, ET AL.,</b>	)	
	)	
<b>Defendants.</b>	)	

---

**RESPONSE IN OPPOSITION TO PLAINTIFF’S EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

---

Plaintiff’s motion should be denied because his allegation that Defendants are likely to destroy, dispose, or conceal any evidence is baseless. The motion is moot because Defendants are complying with their obligation to preserve relevant information. In addition, the Tennessee Board of Judicial Conduct (“Board”) retains an electronic file that is never destroyed of the relevant portions of all complaints and documentation, including correspondence. R. Prac. and Proc. of the Bd. of Judicial Conduct 10.

Further, there is a high probability that this case will be dismissed; Defendants have moved for dismissal on the following grounds.

1. Plaintiff lacks standing to challenge the Board’s dismissal of his complaint;
2. Plaintiff fails to state a claim because the Board’s dismissal of a complaint does not implicate a constitutional or legal right that gives rise to a 42 U.S.C. § 1983 action;
3. Plaintiff fails to state a claim under 42 U.S.C. § 1985 because Defendants are members of the same collective entity, the Board, and so there are not two “people” to form a conspiracy;
4. Plaintiff fails to state a claim against the State, the Board, and any Defendants in their official capacity because Defendants are not “persons” under § 1983;
5. Judge Craft, in his individual capacity, is entitled to quasi-judicial immunity;
6. Timothy Discenza, in his individual capacity, is entitled to prosecutorial immunity; and

7. The Eleventh Amendment bars Plaintiff's claims against the State, the Board, and any Defendants in their official capacities.

(Docket Entry No. 22. *See also* Docket Entry No. 23.) For the reasons stated, Plaintiff's motion for a temporary restraining order and preliminary injunction should be denied.

Respectfully Submitted,

HERBERT H. SLATERY III  
Attorney General and Reporter

s/ Stephanie A. Bergmeyer  
Stephanie A. Bergmeyer, BPR # 27096  
Assistant Attorney General  
Office of the Attorney General and Reporter  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
Stephanie.Bergmeyer@ag.tn.gov  
(615) 741-6828

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was filed electronically, and served by first-class mail, postage prepaid on this 13th day of March, 2017, to:

John Anthony Gentry  
208 Navajo Court  
Goodlettsville, TN 37072

s/ Stephanie A. Bergmeyer  
Stephanie A. Bergmeyer